

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5779-01
Bill No.: HB 1788
Subject: Children and Minors; Family Services Division
Type: Original
Date: February 28, 2014

Bill Summary: This proposal changes the laws regarding adoption.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** state section 453.026 removes the barrier to providing a written report to the court, the guardian ad litem (GAL) and the prospective adoptive parent before the prospective adoptive parent accepts physical custody for a child less than 6 months of age.

In section 453.030.5, this proposal speeds up the process of executing written consent to adopt by reducing the required time a parent must wait to execute written consent from 48 hours to 24 hours old.

In section 453.077, this proposal speeds up the process toward adoption by reducing the required placement period with the petitioner from 6 months to at least 3 months.

In section 453.080.1, this proposal speeds up the process toward adoption by reducing the requirements of the court to ascertain whether the child has been in the petitioner's custody from 6 months to 3 months prior to the entry of the adoption decree. This proposal reduces this requirement to 3 months unless, the person sought to be adopted is a child less than 6 months of age at the time the petitioner obtains lawful and actual custody of the child.

In section 453.110.5, this proposal provides that this section does not prohibit a parent from placing a child with another individual for care as part of a pre-adoption placement, if the right to supervise the care of the child and to resume custody is retained. This should not create a fiscal impact to the CD.

Section 453.700 provides restrictions regarding advertising and listing of contact information in regard to adoption recruitment by specifying that only an attorney or a Missouri licensed child placing agency may place, or cause to be placed, an advertisement or listing of the attorney's or agency's telephone number or other contact information in a telephone directory or other advertising distributed within the state of Missouri that states or implies that a child is offered or wanted for adoption; or the attorney or agency is able to place, locate, or receive a child for adoption.

The CD does not believe the intent of this proposal was to exclude the Children's Division from the ability to advertise for the purpose of recruiting adoptive placements. As it is currently written, Section 453.700 does not authorize either the Children's Division or other exempt child placing agencies to place advertisements for adoption.

ASSUMPTION (continued)

The CD does not anticipate a fiscal or programmatic impact as result of this legislation.

Officials from the **DSS - Division of Legal Services (DLS)** state the DLS anticipates that it will be called upon to provide legal advice and counsel upon implementation. The DLS expects that this may be accomplished utilizing existing resources. As to the overall fiscal impact of this proposal, the DLS defers to the Children's Division.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases where indigent persons are charged with the proposed new crime of knowingly or intentionally violating the adoption laws of this state - a new class A misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections (DOC)** state the penalty provisions for violations, the component of the bill to have a potential fiscal impact for DOC, is for up to a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase of direct offender costs either through incarceration (FY 13 average of \$18.014 per offender, per day, or an annual cost of \$6,575 per inmate) or through supervision provided by the Board of Probation and Prol (FY 13 average of \$5.07 per offender, per day, or an annual cost of \$1,851 per offender).

DOC assumes the narrow scope of the crime will not encompass a large number of offenders. The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence and the probability exists that offenders would be charged with a similar, but more serious offence, or that sentences may run concurrent to one another.

ASSUMPTION (continued)

The DOC assumes supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of State Courts Administrator (CTS)** indicate they would not expect the proposal to have a significant fiscal impact on the courts. However, if other similar bills pass that result in additional duties to the courts, the combined impact could result in a request for additional appropriations.

Officials from the **Department of Health and Senior Services** assume the proposal would not fiscally impact their agency.

Officials from the **Office of Prosecution Services** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

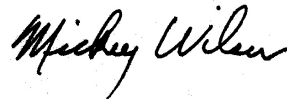
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SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Health and Senior Services
Department of Social Services -
 Children's Division
 Division of Legal Services
Office of State Public Defender

Not responding:

Office of Prosecution Services



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